

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

4 APRIL 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, and Thomas M. Phillips. Absent: Goldie F. Wells, excused by action of Council. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Manager recognized Katie Herring, employee in the Fire Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Gatten moved to excuse Councilmember Wells from attendance at this meeting. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council. Councilmember Johnson reported that Councilmember Wells was doing well.

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Mayor Holliday recognized members of Boy Scout Troop 216 from Irving Park School who were present at the meeting to fulfill requirements for citizenship merit badges.

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The following individuals spoke as speakers from the floor.

Ben Holder, Winston-Salem, NC, spoke to the City's purchase of property on Burnt Poplar Road for the transfer station site and read the Council resolution that stated the purchase price was fair and reasonable. The City Manager reviewed the search for an appropriate site for the transfer station, criteria that was required for the facility site, ownership and proposed use of the property prior to its purchase by the City, price of the property compared to other area properties, and details about the process involved with the purchase of this property.

Mr. Holder also expressed his opinions and concerns with regard to the condition of St. James Homes and questioned the timeframe for future inspections. Butch Simmons, Engineering and Inspections Department Director, reviewed the process involving the repair and inspections of the stairs at this structure. Council discussed various opinions and concerns with regard to this location; i.e., the pattern of property owners making minimum repairs to pass inspection, the fact that the timeframe for replacement of the stairs that Melvin "Skip" Alston had agreed to had passed, the possibility of future safety issues, etc. After further discussion, Council requested that staff to expedite the inspection of the property and provide information to Council the week of April 10.

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Liz Summers, residing at 3003 Duffield Drive and representing the United Arts Council, invited Council to attend the free community public arts forums in April. In response to Council inquiry, she stated the purpose of the forums was to survey citizens to learn what they want and to use the information to help build a master plan for Greensboro. She also spoke to programs in other cities and the upcoming unveiling of public art to commemorate the 100th anniversary of the Greensboro Merchants Association.

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Betty Cone, residing at 35B Fountain Manor Drive, provided information for Council's review and requested Council to consider as a part of the 2006 bond referendum an upgrade for Festival Park located across Davie Street from Center City Park. Ms. Cone spoke to the need for a flexible area which would accommodate large crowds and detailed the development of a master plan for the area that would compliment Center City Park and help revitalize the downtown area.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located on Stone Village Road—9.626 acres.

Richard "Dick" Hails, Planning Department Director, stated that this was a part of the Grandover development located in City's extraterritorial jurisdiction and that zoning was already in place.

The Mayor asked if anyone wished to speak to be heard.

There being no on present desiring to speak to this matter, Councilmember Johnson moved to adopt the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-57 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON STONE VILLAGE ROAD – 9.626 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro satellite city limits, said point being on the east right-of-way line of Stone Village Road at the southwestern end of line "L111" on City of Greensboro Annexation Drawing D-2333; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 56° 30' 17" E 69.55 feet to a point; thence S 70° 43' 03" E 152.46 feet to a point; thence S 49° 47' 21" E 258.43 feet to a point; thence S 40° 05' 19" E 186.45 feet to a point; thence S 55° 03' 28" E 259.40 feet to a point; thence S 34° 55' 45" E 309.88 feet to a point; thence S 59° 12' 11" W 167.98 feet to a point; thence S 41° 11' 45" W 155.84 feet to a point; thence S 15° 37' 26" E 135.80 feet to a point; thence S 61° 19' 48" W 173.16 feet to a point in the east right-of-way line of Stone Village Road; thence along said right-of-way line N 28° 39' 09" W 353.81 feet to a point; thence continuing with said right-of-way line with a curve to the right having a radius of 472.00 feet and a chord bearing and distance of N 26° 30' 08" W 35.42 feet to a point; thence continuing with said right-of-way line N 24° 21' 08" W 877.11 feet to the Point and Place of Beginning, containing 9.626 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2006.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an Ordinance annexing territory to the corporate limits located north of Hines Chapel Road—21.267 acres; he introduced so these matters could be discussed together, an ordinance amending Chapter 30, Zoning, Planning and Development, to consider an amendment to the Connections 2025 Comprehensive Plan Growth Strategy Map (Figure 4-3) from Tier Two (Intermediate Growth Area) to Tier One (Current Growth Area) and the establishment of the Moderate Residential Land Use Classification for a portion of the property located north of Hines Chapel Road and southeast of McKnight Mill Road; and an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District—RS-7 Residential Single Family for property located north of Hines Chapel Road southeast of McKnight Mill Road.

Mr. Hails reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; read the conditions contained in the proposed ordinance; and stated the Zoning Commission had recommended approval of the rezoning.

The Mayor asked if anyone wished to speak to these matters.

Chuck Truby, 502 Waycross Drive, spoke in favor of the items, stated this was basically an extension of the Manchester subdivision, spoke briefly to the density of the proposal, and detailed the topography of the property.

Councilmember Johnson moved to close the public hearing for the three ordinances. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Hails explained the minor comprehensive plan change and stated the request was consistent with comprehensive plan policies for new housing, mixed income neighborhoods and compact development. He stated the staff recommended approval of the three items.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits located north of Hines Chapel Road—21.267 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-60 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED NORTH OF HINES CHAPEL ROAD – 21.267 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pin at the northeast corner of Lot 1, Section 1, Dick Subdivision as recorded in Plat Book 97, Page 123 in the Office of the Register of Deeds of Guilford County, NC, said iron having NAD 83 grid coordinates as follows: N = 866,263.56 E = 1,786,282.20 (US Survey Ft.); thence with the east line of Lot 1, Section 2,

Dick Subdivision as recorded in Plat Book 102, Page 66 in the Office of the Register of Deeds N 06°26'37" E 108.21 feet to an existing iron pin; thence with the east line of said lot and the east line of Lot 3 of said Section 1 N 06°26'37" E 819.73 feet to an existing iron pin, a point in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS along the boundary of Manchester, Phase 2 as recorded in Plat Book 162, Page 100 in the Office of the Register of Deeds the following five calls: N 05°49'10" E 54.60 feet to an existing iron pin, N 05°11'21" E 68.43 feet to an existing iron pin, N 04°12'16" E 99.45 feet to an existing iron pin, N 89°33'07" E 242.51 feet to an existing iron pin, and N 89°33'07" E 400.89 feet to an existing iron pin; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS with the west line of Lot 2, James V. and Myrtle F. Brady property as recorded in Plat Book 41, Page 42 in the Office of the Register of Deeds S 04°07'11" E 967.53 feet to an existing iron pin; thence with the west line of Lot 10, Barker Estate as recorded in Plat Book 16, Page 30 in the Office of the Register of Deeds S 04°07'11" E 219.72 feet to a point; thence with a new line the following four calls: S 85°52'49" W 510.55 feet to a point, S 50°08'11" W 136.87 feet to a point, N 89°53'48" W 107.54 feet to a point, and N 64°21'54" W 155.84 feet to a point in the east line of Lot 1, Section 2, Dick Subdivision; thence with said east line N 06°29'34" E 92.81 feet to the point and place of BEGINNING and containing 21.267 acres more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June, 30 2006, the liability for municipal taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance amending Chapter 30, Zoning, Planning and Development, to consider an amendment to the Connections 2025 Comprehensive Plan Growth Strategy Map (Figure 4-3) from Tier Two (Intermediate Growth Area) to Tier One (Current Growth Area) and the establishment of the Moderate Residential Land Use Classification for a portion of the property located north of Hines Chapel Road and southeast of McKnight Mill Road. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-61 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GROWTH STRATEGY MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Growth Strategy Map (Figure 4-3) and a Generalized Future Land Use Map (Figure 4-2); and

WHEREAS, an amendment to that as shown on the attached map to change from Tier Two (Intermediate Growth Area) to Tier One (Current Growth Area) and an amendment to the Generalized Future Land Use Map to establish the Moderate Residential land use classification for the property located north of Hines Chapel Road and southeast of McKnight Mill Road.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Growth Strategy Map (Figure 4-3) and the Generalized Future Land Use Map (Figure 4-2) are amended as follows:

Section 1. The Growth Strategy Map (Figure 4-3) and the Generalized Future Land Use Map (Figure 4-2) is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Thomas M. Phillips

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Councilmember Johnson moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located north of Hines Chapel Road from County Zoning AG to City Zoning CD-RS-7, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interested for the following reasons: it meets the needs of present and future citizens for a choice of decent, affordable housing in stable, livable neighborhoods; it promotes compact development; it promotes mixed-income neighborhoods; and it promotes the diversification of new housing stock. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-62 AMENDING OFFICIAL ZONING MAP

NORTH OF HINES CHAPEL ROAD SOUTHEAST OF McKNIGHT MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to Conditional District – RS-7 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at an existing iron pin at the northeast corner of Lot 1, Section 1, Dick Subdivision as recorded in Plat Book 97, Page 123 in the Office of the Register of Deeds of Guilford County, NC, said iron having NAD 83 gid coordinates as follows: N = 866,263.56 E = 1,786,282.20 (US Survey Ft.); thence with the east line of Lot 1, Section 2, Dick Subdivision as recorded in Plat Book 102, Page 66 in the Office of the Register of Deeds N 06°26'37" E 108.21 feet to an existing iron pin; thence with the east line of said lot and the east line of Lot 3 of said Section 1 N 06°26'37" E 819.73 feet to an existing iron pin, a point in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS along the boundary of Manchester, Phase 2 as recorded in Plat Book 162, Page 100 in the Office of the Register of Deeds the following five calls: N 05°49'10" E 54.60 feet to an existing iron pin, N 05°11'21" E 68.43 feet to an existing iron pin, N 04°12'16" E 99.45 feet to an existing iron pin, N 89°33'07" E 242.51 feet to an existing iron pin, and N 89°33'07" E 400.89 feet to an existing iron pin; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS with the west line of Lot 2, James V. and Myrtle F. Brady property as recorded in Plat Book 41, Page 42 in the Office of the Register of Deeds S 04°07'11" E 967.53 feet to an existing iron pin; thence with the west line of Lot 10, Barker Estate as recorded in Plat Book 16, Page 30 in the Office of the Register of Deeds S 04°07'11" E 219.72 feet to a point; thence with a new line the following four calls: S 85°52'49" W 510.55 feet to a point, S 50°08'11" W 136.87 feet to a poinr, N 89°53'48" W 107.54 feet to a point, and N

64°21'54" W 155.84 feet to a point in the east line of Lot 1, Section 2, Dick Subdivision; thence with said east line N 06°29'34" E 92.81 feet to the point and place of BEGINNING and containing 21.267 acres more or less.

Section 2. That the original zoning of Conditional District – RS-7 Residential Single Family is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses allowed in the RS-7 zoning district.
- 2) A maximum of 80 residential lots.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Zoning, Planning, and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the south side of New Garden Road East, east of Lawndale Drive from the Low Residential land use classification to the Commercial land use classification; he introduced so these matters could be discussed together, an Ordinance rezoning from Conditional District – General Business to Conditional District – General Business for all uses permitted in GB with exceptions; for property located on the south side of New Garden Road East, east of Lawndale Drive.

Mr. Hails reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; read the conditions contained in the proposed ordinance; and stated the Zoning Commission had recommended approval of the rezoning.

The Mayor asked if anyone wished to speak to these matters.

Michael Schiftan, residing at 2604 Springwood Drive and representing the property owners, spoke in favor of the items, stated the property had been zoned commercial for over 50 years, and advised the owners planned to broaden the use of the property. Stating there was no opposition to the items, he stated he believed the proposed uses would be in keeping with the neighborhood and would enhance the property.

There being no additional speakers, Councilmember Gatten moved to close the public hearing for the two matters. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Hails stated the proposed zoning would expand permitted uses, was consistent with recent comprehensive plan amendments and rezonings for area property, and would be compatible with the area. Stating that the request was consistent with comprehensive plan policies for reinvestment and infill, he stated that staff recommended approval of both items.

Councilmember Gatten moved adoption of the Ordinance amending Chapter 30, Zoning, Planning, and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the south side of New Garden Road East, east of Lawndale Drive from the Low Residential land use classification to the Commercial land use classification. The motion was seconded by Councilmember Phillips; the ordinance was adopted

on the following roll call vote: Ayes: Barber, Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-63 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Low Residential to the Commercial for a portion of the property located on the south side of New Garden Road East, east of Lawndale Drive; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Florence F. Gatten

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Councilmember Gatten moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on New Garden Road east from CD-GB to CD-GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it promotes a sound, sustainable pattern of land use for development at the fringe; it promotes use of underutilized properties and buildings; and with proposed conditions, the project is compatible with surrounding properties. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-64 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF NEW GARDEN ROAD EAST, EAST OF LAWNDAL DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional District – General Business to Conditional District – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of New Garden Road East, said point being the northeast corner of Guilford County Tax Map 6-352, Block 725, Lot 38; thence along said southern right-of-way line S84°13'64"E 100.04 feet to a point; thence S01°13'57"W 250.00 feet to a point; thence N72°31'30"W 103.96 feet to a point; thence N01°15'30"E 215.00 feet to the point and place of BEGINNING.

Section 2. That the rezoning of Conditional District – General Business to Conditional District – General Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the General Business zoning district except the following: Billiard Parlors, Fortune Tellers, Automobile Rental or Leasing, Automobile Services (major or minor), Banks, Hotels/Motels, Convenience Stores with fuel pumps, Restaurants with drive-thru, Service Stations, Bars, Kennels, and Veterinary Services.
- 2) Exterior building materials shall consist primarily of brick, split block, stone or stucco.
- 3) Building shall be limited to one story.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an Ordinance amending Chapter 30, Zoning, Planning, and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the east side of O. Henry Boulevard (U.S. 29 North) and west side of 16th Street and Ring Road (private) from the Mixed Use Commercial land use classification to the Industrial/ Corporate Park land use classification; he introduced so these matters could be discussed together, an Ordinance rezoning from Conditional District – Light Industrial to Conditional District- Heavy Industrial for property located on the east side of O. Henry Boulevard (U.S. 29 North) and west side of 16th Street and Ring Road (private).

Mr. Hails reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; read the conditions contained in the proposed ordinance and noted the change was related to dyeing and printing labels; and stated the Zoning Commission had recommended approval of the rezoning.

The Mayor asked if anyone wished to speak to these matters.

Chris Vaughn, attorney with offices at 235 North Edgeworth Street and representing Avery Dennison, spoke in favor of the requests and noted the presence of a number of company employees in the Chamber in support of the items. He reviewed the proposals and noted the purpose of the changes was to permit dyeing at this location. Stating that the company wanted to move its dyeing process to this location, Mr. Vaughn detailed the work of the company to make sample tags and labels, stated they believed this would be a better use of the property and noted the changes would add jobs to the area. He stated the change would have no negative impact on the surrounding area and that the facility would have no airborne contaminants, no additional truck traffic and no odor outside the facility. Mr. Vaughn advised that the discharge of small amounts of chemicals had been approved but would not drain into the nearby stream. He spoke to unsuccessful efforts to contact individuals who had expressed opposition to the changes.

There being no additional speakers, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Mr. Hails stated that this was a request for a minor change that required amendments to comply with existing ordinance requirements, staff would prefer to consider this change without having to have the property rezoned to heavy

industrial, staff would oppose a large scale dyeing operation on the site, and the request was in compliance with the comprehensive plan designations for infill use of property and provided jobs in East Greensboro.

After brief discussion, Councilmember Bellamy-Small moved adoption of the Ordinance amending Chapter 30, Zoning, Planning, and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the east side of O. Henry Boulevard (U.S. 29 North) and west side of 16th Street and Ring Road (private) from the Mixed Use Commercial land use classification to the Industrial/ Corporate Park land use classification. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-65 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Mixed Use Commercial to the Industrial/Corporate Park for a portion of the property located on the east side of O. Henry Boulevard (US29 North) and west of 16th Street and Ring Road (private); and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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Councilmember Johnson moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on O. Henry Boulevard from CD-LI to CD-HI, to be consistent with the adopted *Connections 2025 Comprehensive Plan* and considers the action taken to be reasonable and in the public interest for the following reasons: it promotes sound investment in Greensboro's urban area; it promotes a healthy, diversified economy with a strong tax base and opportunities for employment; it ensures that adequate land is zoned for the various stages of business development; and because the area needs it. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

06-66 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF O. HENRY BOULEVARD (U.S. 29 NORTH) AND WEST SIDE OF 16TH STREET AND RING ROAD (PRIVATE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional District – Light Industrial to Conditional District – Heavy Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern margin of U.S. Highway 29 North, said point being located N24°39'E 552.84 feet from the northeast intersection of U.S. Highway 29 North and 16th Street as measured along the eastern margin of U.S. Highway 29 North; thence continuing along said eastern margin N24°39'E 58.24 feet to a point; thence still with said eastern margin N24°44'E 436.76 feet to a point; thence S65°16'E 448.85 feet to a point in the western margin of the perimeter or ring road around Carolina Circle Mall; thence along said western margin of the ring road along a curve to the left having a chord bearing of S07°45'E and a chord distance of 48.65 feet to a point; thence continuing along the western margin of the ring road along a curve to the right having a chord bearing of S04°87'W and a chord distance of 185 feet to a point; thence still with the western margin of the ring road along a curve to the left having a chord bearing of S00°20'W and chord distance of 151.64 feet to a point in the western margin of 16th Street; thence with the western margin of 16th Street along a curve to the left, having a chord bearing of S86°49'W and a chord distance of 87.98 feet to a point; thence still with the western margin of 16th Street S51°80'W 200 feet to a point; thence N58°30'W 237.77 feet to a point; thence N65°21'W 249.42 feet to the point and place of BEGINNING; the same being all of Lot 7A as shown on a plat recorded in the Office of the Guilford County Register of Deeds in Plat Book 59, Page 4.

Section 2. That the rezoning of Conditional District – Light Industrial to Conditional District – Heavy Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to office, printing, dyeing and finishing of tags and labels, assembly of goods (including warping and weaving), warehousing and distribution of goods and accessory uses.
- 2) There shall be no outside storage permitted on the property.
- 3) The existing building will be retained.
- 4) Any new building or buildings or modifications to the existing building will be architecturally similar to the existing building.
- 5) Any fencing will be for employee safety and security and will be architecturally compatible with the area.
- 6) No more than two additional loading docks will be constructed.
- 7) The parking lot will not be utilized for the storage of trailers.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Chance Road from Fleming Road northeastward to its terminus, a distance of approximately 520 feet. The Mayor asked if anyone wished to speak to this matter.

There being no one desiring to speak to this matter, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

55-06 RESOLUTION CLOSING CHANCE ROAD FROM FLEMING ROAD NORTHEASTWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 520 FEET

WHEREAS, the owners of all of the property abutting both sides of Chance Road have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, April 4, 2006, at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

CHANCE ROAD FROM FLEMING ROAD NORTHEASTWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 520 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Florence F. Gatten

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Snyder Street from Yanceyville Street eastward to Hill Street, a distance of approximately 700 feet. The Mayor asked if anyone wished to speak to this matter.

There being no one desiring to speak to this matter, Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

56-06 RESOLUTION CLOSING SNYDER STREET FROM YANCEYVILLE STREET EASTWARD TO HILL STREET, A DISTANCE OF APPROXIMATELY 700 FEET

WHEREAS, the owners of all of the property abutting both sides of Snyder Street have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, April 4, 2006, at 4:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

SNYDER STREET FROM YANCEYVILL STREET EASTWARD TO HILL STREET, A DISTANCE OF APPROXIMATELY 700 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) T. Dianne Bellamy-Small

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Hill Street from its northern terminus to its southern terminus, a distance of approximately 213 feet. The Mayor asked if anyone wished to speak to this matter.

There being no one desiring to speak to this matter, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

57-06 RESOLUTION CLOSING HILL STREET FROM ITS NORTHERN TERMINUS TO ITS SOUTHERN TERMINUS, A DISTANCE OF APPROXIMATELY 213 FEET

WHEREAS, the owners of all of the property abutting both sides of Hill Street have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, April 4, 2006, at 4:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

HILL STREET FROM ITS NORTHERN TERMINUS TO ITS SOUTHERN TERMINUS, A DISTANCE OF APPROXIMATELY 213 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Sandra G. Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing unnamed alley from Hill Street eastward to its terminus, a distance of approximately 276 feet. The Mayor asked if anyone wished to speak to this matter.

There being no one desiring to speak to this matter, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

58-06 RESOLUTION CLOSING AN UNNAMED ALLEY FROM HILL STREET EASTWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 276 FEET

WHEREAS, the owners of all of the property abutting both sides of an unnamed alley have requested in writing that said portion of alley be closed and abandoned as a public alley;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, April 4, 2006, at 4:30 p.m., on the closing of said portion of alley;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of alley have requested in writing that said portion of alley be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of alley is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alley or in the subdivision in which the alley is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of alley is hereby permanently closed and abandoned as a public alley:

AN UNNAMED ALLEY FROM HILL STREET EASTWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 276 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned alley until such time as said line is no longer required by the City.

(Signed) Florence F. Gatten

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Councilmember Phillips removed item #24 from the Consent Agenda, a resolution in support of the development of a ten-year plan to end homelessness.

Councilmember Bellamy-Small moved adoption of all ordinances and resolutions listed on the Consent Agenda, as amended. The motion was seconded by Councilmember Carmany; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, and Phillips. Noes: None.

59-06 RESOLUTION AUTHORIZING THE FILING AND/OR EXECUTION, AS APPROPRIATE, OF FEDERAL TRANSIT ADMINISTRATION (FTA) AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) GRANT AGREEMENTS, GRANT APPLICATIONS, ANNUAL OR BIENNIAL APPLICATIONS, ANNUAL BUDGETS, AND OTHER SUCH DOCUMENTS, AS APPROPRIATE, PURSUANT TO RELEVANT SECTIONS OF THE SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT (SAFETEA-LU), AS AMENDED.

WHEREAS, the North Carolina Department of Transportation will apply and receive grants from the U.S. Department of Transportation as authorized by Chapter 53 of Title 49, U.S.C. (Sections 5307 Capital and Section 5303 Planning Assistance of the Safe, Accountable, Flexible, And Efficient Transportation Equity Act (SAFETEA-LU), As Amended;

WHEREAS, the Federal Transit Administration under the Safe, Accountable, Flexible, And Efficient Transportation Equity Act (SAFETEA-LU), provides Federal funds to support public transportation services;

WHEREAS, the North Carolina Department of Transportation will apply and receive grants from the U.S. Department of Transportation as authorized by the Federal Transit Administration;

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies to support planning, operating and capital assistance projects and provision of public transportation services;

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering funds received through the Federal Transit Act of 1991 legislation;

WHEREAS, the contracts for financial assistance will impose certain obligations upon the City of Greensboro, including the provision of the local project costs;

WHEREAS, it is required by the U.S. Department of Transportation and the North Carolina Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the SAFETEA-LU, as amended, the City of Greensboro, as applicant, gives assurance that it will comply with Title IV of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation and the North Carolina Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the City of Greensboro, as an applicant, that Disadvantaged Business Enterprises (DBEs) be utilized to the fullest extent possible in connection with the project, and that definitive procedures shall be established and administered by the City of Greensboro as applicant to ensure that DBEs shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant or other services;

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 5333(b) Labor Protection requirements, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

1. That the City of Greensboro is authorized to file and execute FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate, on behalf of the City of Greensboro with the North Carolina Department of Transportation, to aid in the financing of public transportation services as described therein.
2. That the City of Greensboro is authorized to furnish such additional information as the Federal Transit Administration and the North Carolina Department of Transportation require in connection with such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.

3. That the City of Greensboro is authorized to furnish such additional information as the Federal Transit Administration and the North Carolina Department of Transportation require in connection with such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
4. That the City of Greensboro is authorized to set forth and execute Disadvantaged Business Enterprise (DBE) policies and procedures in connection with all procurement needs associated with such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
5. That the City of Greensboro is authorized to execute grant agreements on behalf of the City of Greensboro with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing and effectuating of the purposes of such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.

(Signed) T. Dianne Bellamy-Small

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60-06 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF KENNETH E. RUDD AND JOAN K. RUDD, IN CONNECTION WITH THE SUMMIT AVENUE SEWER OUTFALL PROJECT

WHEREAS, Summit Avenue Sewer Outfall Project are the owners of certain property located on Summit Avenue, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Summit Avenue Sewer Outfall Project;

WHEREAS, negotiations with the owners at the appraised value of \$28,915.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$28, 915.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$28,915.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 511-7062-01.6017 Activity # 04152.

(Signed) T. Dianne Bellamy-Small

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61-06 RESOLUTION AUTHORIZING THE CONVEYANCE OF CITY OWNED LOTS LOCATED AT 115 EAST BRAGG STREET AND 524 ARLINGTON STREET TO THE REDEVELOPMENT COMMISSION OF GREENSBORO

WHEREAS, the City is the owner of 2 lots in the S. Elm Street Brownfield Core area located at 115 East Bragg Street and 524 Arlington Street;

WHEREAS, the Redevelopment Commission has included these properties as part of the future development in the S. Elm Street Brownfield redevelopment effort;

WHEREAS, upon conveyance of these lots from the City, the Redevelopment Commission will combine them with other adjoining properties to be purchased by the Commission for future development as part of the said redevelopment effort;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of the above mentioned property to the Greensboro Housing Development Partnership is hereby approved and the Mayor and City Clerk are hereby authorized to execute deeds on behalf of the City.

(Signed) T. Dianne Bellamy-Small

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06-67 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF DEPARTMENT OF HOMELAND SECURITY GRANT FUNDS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4072-01.5239	Misc. Equip.	\$178,153
TOTAL:		\$178,153

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4072-01.7100	Federal Grant	<u>\$178,153</u>
TOTAL:		\$178,153

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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06-68 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE 2006/2007 HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM PROGRAM

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4071-01.5239	Miscellaneous	\$18,000
220-4071-01.5428	Contracted Medical	\$15,000
220-4071-01.5520	Seminar/Training	\$19,000
220-4071-01.4730	Worker's Compensation	<u>\$ 5,000</u>

TOTAL \$57,000

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4071-01.7110	State Grant	<u>\$57,000</u>

TOTAL: \$57,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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62-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2003-16 WITH REYNOLDS INLINER, INC. FOR SANITARY SEWER REHABILITATION PROJECT "H"

WHEREAS, Contract No. 2003-16 with Reynolds Inliner, Inc. provides for the rehabilitation of 15,080 linear feet of sewer line by CIPP in the CBD and various locations around the city;

WHEREAS, Water Resources has identified additional lines in Phillips Park, Greensboro CC and other various locations that it would like to rehabilitate using this contract and this change order will allow additional work at an excellent price;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a change order in the contract in the amount of \$910,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Reynolds Inliner, Inc. for the sanitary sewer rehabilitation project "H" is hereby authorized at a total cost of \$910,000, payment of said additional amount to be made from Account No. 503-7015-02.6017, Activity No. 06080.

(Signed) T. Dianne Bellamy-Small

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63-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2006-003 WITH YATES CONSTRUCTION, INC. FOR THE GENERAL WATER AND SEWER IMPROVEMENTS

WHEREAS, after due notice, bids have been received for various water and sewer improvements throughout the City;

WHEREAS, Yates Construction, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,042,569.58 as general contractor for Contract No. 2006-003, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Yates Construction, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$729,865.01 from Account No. 503-7015-02.6017 Activity #06079, in the amount of \$284,813.38 from Account No. 503-7015-01.6016 Activity #06076 and in the amount of \$27,891.19 from Account No. 506-7005-01.6018 Activity #06074.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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64-06 RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING FOR THE TRIAD REGION MOBILITY MASTER SOFTWARE AND HARDWARE PROJECT AND AUTHORIZATION TO PROCEED WITH PHASE I – IMPLEMENTATION FOR PARATRANSIT

WHEREAS, to enhance service, efficiency, and access in the Triad Region, the Greensboro Transit Authority, High Point Transit, Guilford County Transportation and the Piedmont Authority for Regional Transportation have agreed to implement the transit information and management portion of the Triad Region ITS Deployment Plan as required by the Federal Transit Administration and encouraged by the North Carolina Department of Transportation;

WHEREAS, this project will be a cooperative effort between the Triad Region transit systems and a collaborative effort with the software vendor, Trapeze;

WHEREAS, the Triad Regional ITS Deployment Plan would provide needed integration of technologies to allow seamless Regional Transit operations and would be completed in three (3) phases;

WHEREAS, Phase I – Paratransit will be implemented in FY 2006; Phase II – Fixed Route scheduled to be implemented in FY 2007 and Phase 3 – Interactive Voice Response scheduled to be implemented in FY 2008;

WHEREAS, Winston-Salem currently uses the Trapeze suite of software products for the base of its mobility manager project and has agreed to be the host site in assisting other systems in building a regional mobility manager program;

WHEREAS, the Greensboro Transit Authority Board has endorsed the Triad Regional ITS Deployment Plan and approved the Memorandum of Understanding presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Memorandum of Understanding for the Triad Region Mobility Master Software and Hardware Project presented herewith this day is hereby approved and the City is authorized to proceed with Phase I – Implementation for Paratransit in accordance with said Memorandum of Understanding.

(Signed) T. Dianne Bellamy-Small

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65-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF ROBERT C. AND REVA D. SEMONES FOR THE NEW GARDEN ROAD PHASE II WIDENING PROJECT

WHEREAS, in connection with the New Garden Road Phase II widening improvements project, the property owned by Robert C. and Reva D. Semones, Tax Map No. 3-175-832-35 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$73,000.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$73,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 402-4531-01.6012 Activity 03216.

(Signed) T. Dianne Bellamy-Small

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66-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF ROBERT J. AND BETTY B. ECHERD FOR THE NEW GARDEN ROAD PHASE II WIDENING PROJECT

WHEREAS, in connection with the New Garden Road Phase II widening improvements project, the property owned by Robert J. and Betty B. Echerd, Tax Map No. 3-175-832-5 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$104,000.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$104,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 402-4531-01.6012 Activity 03216.

(Signed) T. Dianne Bellamy-Small

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67-06 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF GUILFORD MILLS FOR THE HORNADAY ROAD EXTENSION

WHEREAS, in connection with the Hornaday Road Extension project, the property owned by Guilford Mills, Tax Map No. 1-28-931-058 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has not been appraised but recent sales of similar properties in the area indicate a value of \$2.00 per square foot and the owner has agreed to settle for the price of \$146,234.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$146,234.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 220-4564-01.6012 Activity #05123.

(Signed) T. Dianne Bellamy-Small

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The Mayor introduced the resolution in support of the development of a ten-year plan to end homelessness which had been removed from the Consent Agenda.

Councilmember Phillips stated that he believed the intent of the resolution sounded good, but he didn't believe it would happen; he suggested a resolution to reduce homelessness would be more appropriate. Councilmember Phillips expressed concerns that the implementation of a mass program could attract large numbers of homeless people to Greensboro, if the planning process were approved county-wide that Greensboro taxpayers would have to pay double for the program, and the program could require the use of housing funding for homelessness instead of Council having the ability to designate where the funds would be spent.

Cynthia Blue, representing the Housing and Community Development Department, stated the Federal Government was focusing on chronic homelessness and was encouraging local communities to create a plan to address this issue from a county-wide perspective; she stated the \$15,000 for assistance in the plan had been provided from Community Development Block Grant Funds.

In response to Council inquiries, Ms. Blue stated that High Point was willing to participate in the funding but no response had been received from Guilford County. Ms. Blue also provided information with regard to the City funding in the budget designated for assistance to the homeless and the wide applicable use of Federal money. Assistant City Manager Ben Brown also spoke to the use of federal funds.

Council discussed various thoughts and opinions with respect to this matter, including the desire to receive information with regard to the level of financial participation in this process by High Point and Guilford County.

Councilmember Barber moved to table the resolution. The motion was seconded by Councilmember Gatten; the Mayor announced the motion was adopted by a 5-4 voice vote of Council.

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Councilmember Johnson left the Chamber at 7:08 p.m.

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Mayor Holliday introduced a resolution authorizing change order in the amount of \$395,448 in Contract No. 2004-018 with Triangle Grading and Paving, Inc. for the Greene Streetscape and Intersection improvements.

After Mr. Simmons provided an update with regard to the scope of project and unexpected problems that had been encountered, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson (in absentia as provided for by law), and Phillips. Noes: None.

68-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2004-018 WITH TRIANGLE GRADING AND PAVING, INC. FOR THE GREENE STREETScape AND INTERSECTION IMPROVEMENTS

WHEREAS, Contract No. 2004-018 with Triangle Grading and Paving, Inc. provides for improving storm water conditions, providing additional on-street parking and providing aesthetic enhancements including trees and

concrete pavers in pedestrian areas in accordance with the Streetscape improvements along Greene Street from Friendly to McGee Street;

WHEREAS, due to unsuitable soils encountered during removal and replacement of significant amounts of soil, certain items were added at the request of GDOT for aesthetic enhancement to the project, thereby necessitating a change order in the contract in the amount of \$395,448.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Triangle Grading and Paving, Inc. for the Greene Streetscape and intersection improvements is hereby authorized at a total cost of \$395,448.00, payment of said additional amount to be made in the amount of \$368,660.00 from Account No. 402-4531-01.6014 Activity 03217 and in the amount of \$26,788.00 from Account Number 402-4531-01.6015, Activity 03218.

(Signed) Florence F. Gatten

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Councilmember Johnson re-entered the Chamber at 7:11 p.m.

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Mayor Holliday introduced a resolution authorizing contract with Republic Services of North Carolina, LLC for municipal solid waste disposal.

The City Manager used photographs to illustrate the work to date on the transfer site, including the main yard structure, scale house, load out tunnels, tipping floors, sand filters (used in lieu of a pond). He commended staff for their work to negotiate a contract that would save significant dollars for the management of waste.

Jeryl "Jeri" Covington, Environmental Services Department Director, provided details with regard to the hours of operation and staffing of the transfer site, anticipated volume of waste, process to transport from the transfer site to Republic's Uwharrie Environmental Landfill site, etc. She reviewed the contract process which had resulted in the proposed contract for Council's consideration and detailed the staff's work to make sure they were presenting a contract for the best management of waste. Ms. Covington stated the Environmental Services Department recommended that the contract be awarded to Republic Services.

Councilmember Barber spoke to the anticipated tax increase that would be related to the transfer station, his belief that other municipalities had better rates for waste management, his opinion that having taxpayers pay to transport waste was a disservice to taxpayers, and questioned why the Council would reduce the ability to cash in economically by closing the landfill to wet garbage. Lengthy discussion was held with regard to cost of the service, the closing of White Street to wet waste and the decision to keep the landfill permitted to enable it to be used in the future if necessary and would ensure that the City could secure a good contract for transporting waste from the transfer station. After he reiterated that this action would have a negative economic impact, Councilmember Johnson spoke to a number of other negative impacts related to the landfill; i.e., health, odor, wild animals and truck traffic.

Stating that this was a complicated issue, the Mayor spoke to the process and options which were presented to Council which had resulted in Council's approval of the creation of the transfer station and the decision that the landfill would continue to receive dry garbage and construction demolition debris to create revenue for the City. He added that Council recognized that this change in waste management created a sharp reduction in revenues and would increase the cost to citizens.

In response to Councilmember Barber's statements that a better contract could have been negotiated, Ms. Covington advised that Winston-Salem couldn't meet the cost that Republic gave Greensboro and that Greensboro gets better rates than other North Carolina municipalities.

The City Manager stated that the bids for this contract would end tonight and if the matter were tabled, there was no commitment that the bids would be good after tonight. The Mayor stated that the Council policy was to create the transfer station and the contract would be good for the next five years.

Councilmember Phillips reiterated that Council's consideration of this matter had been a long process and that Council had made the decision to move forward with the transfer station.

After brief comments with regard to a tour of the facility and Councilmember Barber's request for staff to check with other municipalities about their contracts for this service, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, and Phillips. Noes: Barber.

69-06 RESOLUTION AUTHORIZING CONTRACT WITH REPUBLIC SERVICES OF NORTH CAROLINA, LLC FOR MUNICIPAL SOLID WASTE DISPOSAL

WHEREAS, after due notice, bids have been received for municipal solid waste disposal;

WHEREAS, Republic Services of North Carolina, LLC, a responsible bidder, submitted the low base bid for disposing municipal solid waste at the Uwharrie Environmental Landfill in Mt. Gilead, NC in the amount of \$19.00 (2005 dollars) per ton, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

WHEREAS, the negotiations are for a five-year disposal contract which will commence with the operation of the City's municipal solid waste transfer station but no later than September 1, 2006, said contract presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Republic Services of North Carolina, LLC is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the estimated amount of \$3,161,600.00 from Account No. 551-6509-09.5429.

(Signed) Thomas M. Phillips

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The Mayor declared a recess at 7:40 p.m.

The meeting reconvened at 7:55 p.m. with all members of Council present except Councilmember Wells who was excused earlier in the meeting.

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Mayor Holliday stated that Council discussion would be held with regard to Project Homestead.

Councilmember Phillips stated that since the investigation was complete and this matter would continue to hang over Council until the information was available for public review, he believed that Council should take whatever actions could be taken to try to have the reports released and to determine if any actions could be taken against the Project Homestead Board, etc.

The City Attorney spoke to various aspects of the process; i.e., the ability of the bankruptcy judge to review the report to assist in his efforts to collect money for all creditors, including the City; the fact that the State Bureau of Investigation (SBI) report was not a public record and would not be released by the court; and that no criminal warrants had been issued, etc.

Lengthy Council discussion was held with regard to the type of investigation that had been conducted, what type of information might be released, etc. In response to Council inquiry, the City Attorney advised that the Project Homestead investigation was started by the Greensboro Police Department but was turned over to the SBI.

Council asked the City Attorney to request a written report of the bankruptcy trustee's findings and an executive summary from the SBI. The City Attorney advised that she would report to Council at the April 18 Council meeting.

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Councilmember Johnson provided an update with regard to ongoing development and activity of Hope VI and requested Council to visit the site.

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Council discussed numerous items and events of interest to the community, including the recent GTA Task Force meeting, Library events, the District 1 community meeting, public workshops to receive citizen input with regard to the Greenway Plan, etc.

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Councilmember Gatten moved that Michael Schifftan be appointed to serve a term as an alternate member on the Board of Adjustment in one of the newly-created positions; this term will expire 15 June 2008. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Councilmember Bellamy-Small added the name of McArthur Davis to the boards and commissions data bank for consideration for future service.

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After Councilmember Phillips noted earlier conversations with respect to Council's desire to personally hear various noise levels in order to make decisions that could improve the existing noise ordinance, the City Manager advised staff would move forward with this process. Mayor Holliday spoke to specific problems with noise in the downtown area; other members of Council cited noise problems in neighborhoods.

In response to an inquiry by Councilmember Phillips with regard to changes in water boundaries, Assistant City Manager Bob Morgan reported on the ongoing revision process and advised staff expected to present Council information with regard to the contract with Guilford County in approximately 90 days.

Councilmember Phillips added the name of Scott Brewington to the boards and commissions data bank for consideration for future service on the Board of Adjustment; he noted he intended to appoint Mr. Brewington at the next meeting.

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Councilmember Carmany provided an update with regard to the "Heart of the Triad" and invited Council to attend and participate in the public meetings.

Councilmember Carmany reported on the status of the structure (formerly Flav-o-rich site) at the corner of West Market Street and Walker Avenue and efforts to address safety concerns. Mr. Simmons stated the City had issued a 60-day repair or demolish order for the building.

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Mayor Holliday added the names of Tonya Clinkscale to the boards and commissions data bank for consideration for future service and the name of Velma Speigh-Buford to the data bank for consideration for future service on the Commission on the Status of Women. After the name of John W. Morant was added to the data bank, it was determined that he was not a City resident and was not qualified to serve on a city board.

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The Mayor spoke to information Council had received with respect to a proposed ordinance regarding electronic projection or graphic signs in the downtown area and the desire to add the ordinance to a future Council agenda for Council's consideration. After brief discussion, it appeared to be the consensus of Council to place the item on the May 2 agenda. Some members of Council expressed concerns with regard to portions of the proposed ordinance; Councilmember Gatten requested that the City Attorney provide Council with a copy of her comments and recommendations with regard to this topic. Mr. Hails advised that it was also his intent to provide comments to Council.

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After Mayor Holliday stated that Council had discussed the need for a meeting to consider items for the upcoming bond referendum, it was the consensus of Council to schedule the meeting for 3:30 p.m. on Tuesday, April 18, 2006; the meeting will be held in the Plaza Level Conference Room of the Melvin Municipal Office Building. The Manager advised that he would work with staff to provide information to Council for the work session.

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At the request of the City Manager, Councilmember Carmany moved that the City Council adjourn to Closed Session for the purpose of discussing property acquisition and a criminal investigation. The motion was seconded by Councilmember and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:50 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
